



Patent  
Attorney's Docket No. 001560-381

H19  
AP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Kengo AKIMOTO et al. ) Group Art Unit: 1651  
Application No.: 09/530,260 ) Examiner: Irene Marx  
Filed: July 12, 2000 ) Confirmation No.: 7267  
For: PROCESS FOR PRODUCING )  
ARACHIDONIC ACID- )  
CONTAINING LIPIDS AND )  
DIHOMO-GAMMA-LINOLENIC )  
ACID-CONTAINING LIPIDS )

RECEIVED

APR 01 2003

TECH CENTER 1600/2900

DECLARATION PURSUANT TO 37 C.F.R. §§ 1.801-809

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Nobutada Saji, declare as follows:

1. I am the President of SUNTORY LIMITED, the Assignee of the above referenced application.
2. That the microorganism, *Mortierella alpina* SAM2153, was deposited as a national deposition in Japan on August 5, 1996 and was given the deposit Accession No. FERM P-15767. On July 26, 1999, the International Depository Authority accepted a request for transfer to a deposit under the terms of the Budapest Treaty and was thus given the deposit Accession No. FERM BP-6794. The International Depository Authority is National Institute of Science and Human-Technology Agency of Industrial Science

and Technology which is located at 1-3, Higashi 1 chome, Tsukuba-shi,  
Ibaraki-ken, 305-8566, Japan.

3. That all restrictions on the availability to the public of the above-mentioned deposited material will be irrevocably removed upon the granting of a patent.
4. That the attached copy of the Letter transmitting the RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT of mutant strain, *Mortierella alpina* SAM2153, is a true copy of the original Letter, Receipt and Declaration of Viability.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SUNTORY LIMITED**

March 1, 2003  
Date

  
Name: Nobutada Saji  
Title: President

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

[特許手続上の微生物の寄託の国際的承認  
に関するブダペスト条約]

下記国際寄託当局によって規則7.1に従い  
発行される。

原寄託についての受託証

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITORY AUTHORITY identified at the bottom of this page.

氏名（名称）

サントリー株式会社  
代表取締役

鳥井 倩一郎

殿

寄託者

あて名

大阪府大阪市北区堂島浜2丁目1番40号

1. 微生物の表示

(寄託者が付した識別のための表示)

*Mortierella alpina SAM2153*

(受託番号)

FERM BP- 6794

2. 科学的性質及び分類学上の位置

1欄の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 8年 8月 5日（原寄託日）に受領した1欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、平成 8年 8月 5日（原寄託日）に1欄の微生物を受領した。  
そして、平成 11年 7月 26日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。  
(平成 8年 8月 5日に寄託された微工研菌寄第P- 15767 号より移管)

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名 称： National Institute of Bioscience and Human-Technology  
Agency of Industrial Science and Technology

所 長 大曾 倩一郎

Dr. Shin-ichi Ohnishi Director-General

あて名： 日本国茨城県つくば市東1丁目1番3号（郵便番号305-8566）  
1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken  
305-8566, JAPAN

平成11年(1999) 7月26日

DEPOSITOR

Name: SUNTORY LIMITED

Representative: Shinichiro Torii

Address: 1-40, Dojimahama 2-chome,  
Kita-ku, Osaka-shi, Osaka

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF  
MICROORGANISMS FOR THE PURPOSES OF  
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL  
DEPOSIT

issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
identified at the bottom of this page.

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the  
DEPODITOR: Mortierella alpina SAM2153

(Deposition Number)

FERM BP-6794

II. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

a scientific description

a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the  
microorganisms identified under I above, which was received by it on  
August 5, 1996 (Date of the original deposit)<sup>1</sup>.

IV. RECEIPT OF TRANSFER

This International Depositary Authority accepted the  
microorganisms identified under I above, on August 5, 1996 (Date of the  
original deposit), and accepted a request for transfer to a deposition  
under Budapest treaty from the original deposition, on July 26, 1999.  
(Transferred from FERM P-15767 deposited on August 5, 1996)

V. INTERNATIONAL DEPOSITORY AUTHORITY

National Institute of Science and Human-Technology

Agency of Industrial Science and Technology

Director General      Shinichi Ohashi

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1- 3, Higashi 1 chome, Tsukuba-shi,  
Ibaraki-ken, 305-8566, Japan

July 26, 1999